

UNITED STATES OF AMERICA) DOCKET NO. 3:08-CR-210
)
)
)
 vs.)
)
 ANTHONY MINCEY)
 _____)

1 P R O C E E D I N G S

2 THE COURT: All right. Let me ask all four of you
3 to please stand and be placed under oath.

4 (Thereupon, Anthony Mincey, was duly sworn.)

5 THE COURT: All right. Now, we have present
6 Anthony Mincey, Scott McClain, Serpico Myrie and Luis
7 Alberto Servin-Sanchez, all represented by counsel.

8 We're here for a Plea and Rule 11 Hearing, where
9 it will be determined whether your plea is knowingly and
10 voluntarily entered and made.

11 I'm going to be asking a series of questions.
12 Most of these questions will be asked to all four of you.
13 Please answer out loud so that your answers can be recorded,
14 and if we have to ever have a transcript of this proceeding,
15 it can be accurate.

16 If you need to say just more than yes or no to
17 these questions, by all means let us know that, and you can
18 say whatever you need to say.

19 From time to time during the hearing, I'll address
20 individual questions to you. Unless I make it clear I'm
21 speaking to just one of you, I'm asking these questions of
22 all four of you.

23 So please do answer out loud so that those
24 microphones on the table in front of can record your
25 answers.

Laura Andersen, RMR 704-350-7493

1 And with that background, do you each understand
2 that you are under oath; that you are required to give
3 truthful answers to these questions; and that if you were to
4 give false information under oath, that you could be
5 prosecuted for perjury or for making false statements?

6 THE DEFENDANT: Yes.

7 THE COURT: Now, let's see. We've got Mr. Myrie.
8 I want you to pull up to the table. I want you to quit
9 wiggling your legs. Just be still. Come on up to the table
10 so your answers can be recorded. And I want all four of you
11 answer a little louder from this point on.

12 After consulting with your attorneys, do you want
13 the Court to accept your guilty plea to one or more counts
14 in each of your indictments?

15 THE DEFENDANT: Yes.

16 THE COURT: After consulting with your attorney,
17 do you want the Court -- I've already asked you that.

18 Do you understand you have the right to have a
19 U.S. district judge to conduct this hearing, and in light of
20 that right do you consent to proceed in this court before a
21 magistrate judge?

22 THE DEFENDANT: Yes.

23 THE COURT: Are any of you under the influence of
24 alcohol, medicines or drugs of any sort?

25 THE DEFENDANT: No.

Laura Andersen, RMR 704-350-7493

1 THE COURT: Are your minds clear, and do you
2 understand that you are here to enter a guilty plea that can
3 not later be withdrawn?

4 THE DEFENDANT: Yes.

5 THE COURT: All right. Let's now go over those
6 charges, and I will do that individually. And I'll begin
7 with Mr. Mincey.

8 Mr. Mincey, according to your Plea Agreement, you
9 will be pleading guilty to Counts Two, Three and Four.

10 Is there a Plea Agreement with Mr. Mincey?

11 MR. GLEASON: Yes, Your Honor.

12 THE COURT: And the other defendants are pleading
13 straight up or without the benefit of a Plea Agreement, but
14 with Mr. Mincey there is an agreement.

15 Count Two charges that Mr. Mincey committed
16 aggravated identity theft. And specifically, that on or
17 about April 2nd, 2008, in Mecklenburg County, North
18 Carolina, Mr. Mincey, aiding and abetting Schrell Denise
19 Mincey, and others known or unknown to the Grand Jury,
20 during and in relation to the commission of bank fraud,
21 knowingly transferred, possessed and used without lawful
22 authority, the means of identification of another person,
23 and specifically, a Wachovia debit card, which is described
24 as an access device under federal law.

25 This charge carries a two year additional or

Laura Andersen, RMR 704-350-7493

1 consecutive term of imprisonment, and a fine of up to
2 \$250,000 upon conviction.

3 That means in addition to the charges in Count
4 Three and Count Four, which charge bank fraud and another
5 count of aggravated identity theft.

6 Count Three charges that on or about the
7 twenty-third of April, 2008, also here in Mecklenburg
8 County, North Carolina, that you and Schrell Denise Mincey,
9 aiding and abetting one another, knowingly executed a scheme
10 and artifice to defraud Wachovia Bank, the deposits of which
11 were then federally insured. The purpose of which was to
12 obtain money and funds owned by and under the custody and
13 control of this financial institution.

14 It's alleged that you accomplished this by means
15 of false and fraudulent pretenses and representations and
16 promises, all in violation of the bank fraud statute, and
17 the aiding and abetting statute, and Title 18 of the United
18 States Code.

19 The bank fraud statute carries a 30 year maximum
20 term of imprisonment, and a fine of up to \$1 million upon
21 conviction.

22 And the third and final charge which your Plea
23 Agreement indicates you intend to plead guilty to is Count
24 Four, which alleges on or about that same date, April 23rd,
25 2008, that you again, along with Schrell Denise Mincey,

Laura Andersen, RMR 704-350-7493

1 aiding and abetting one another, during and in relation to
2 the commission of bank fraud, knowingly transferred,
3 possessed and used without lawful authority, the means of
4 identification of another person, again, a Wachovia debit
5 card.

6 All in violation of Title 18, U.S. Code, Section
7 1028(a)(1), and aiding and abetting statute Section 2. As
8 in Count Two, that carries a two year consecutive, which
9 means additional term of imprisonment, and another maximum
10 fine of up to \$250,000.

11 Mr. Mincey, do you understand that those are the
12 three charges to which you're pleading guilty, and the
13 penalties you face if convicted?

14 THE DEFENDANT: Yes.

15 THE COURT: And then next Mr. McClain.

16 Mr. McClain is pleading guilty to Count One of a
17 one count Bill of Indictment. It is alleged that on or
18 about July 17th, 2008, here in Mecklenburg County, North
19 Carolina -- that you, after having been previously convicted
20 of a crime, punishable by imprisonment for a term exceeding
21 one year, knowingly possessed a firearm, in and affecting
22 interstate commerce, specifically a Lorcin .380 caliber
23 pistol. It is alleged that the crime for which you were
24 convicted, was a conviction for possession with intent to
25 sell or deliver marijuana, in Mecklenburg County, Superior

Laura Andersen, RMR 704-350-7493

1 Court, on or about April 9th, 2007.

2 Is there any allegation or thought that
3 Mr. McClain might qualify as an armed career criminal?

4 MR. WEIDNER: Your Honor, I have seen no
5 indication whatsoever in discovery that that's a
6 possibility.

7 MR. GLEASON: Your Honor, I don't believe he is.
8 But Your Honor, out of an abundance of caution, I would
9 advise him of that penalty.

10 Because, Your Honor, I've had at least one case
11 come back where both parties thought that the person was not
12 an armed career criminal, and then later it came out that
13 the probation office discovered that he was. And that case
14 came back from the Fourth Circuit.

15 So, Your Honor, I'm asking that he be advised out
16 of an abundance of caution of that penalty, although I do
17 not think that he is.

18 THE COURT: Thank you, Mr. Gleason.

19 Mr. McClain, assuming you're not an armed career
20 criminal, you would face a 10 year maximum term of
21 imprisonment, and a fine of up to \$250,000 on this
22 conviction for this offense.

23 If you had three prior convictions, and the
24 prosecutor has said he does not think you do. Your lawyer
25 has said he does not think you do. But if you did have

Laura Andersen, RMR 704-350-7493

1 three prior convictions for serious drug offenses. Which is
2 to say, drug offenses that could have brought you a 10 year
3 or greater term of imprisonment, and/or convictions for
4 violent felons, as that term is defined under federal law.
5 You had three of those, either or in combination, you would
6 face a 15 year minimum term of imprisonment on this charge,
7 and a maximum of life imprisonment. The fine would not
8 change.

9 As I said, neither your lawyer nor the government
10 lawyer at this time thinks that you qualify for those
11 enhanced sentences.

12 But do you understand that this is the charge to
13 which you are pleading guilty; and these are the penalties
14 and potential penalties you face if convicted?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: And Mr. Myrie, you are charged in
17 three counts.

18 It's alleged that on or about April 29th, 2008 in
19 Mecklenburg County, North Carolina, that you knowingly and
20 intentionally possessed with intent to distribute it,
21 controlled substance, specifically 5 grams or more of a
22 mixture and substance containing cocaine base, which is
23 commonly referred to as crack cocaine.

24 Count Two charges that on or about the same date,
25 April 29th, 2008, you knowingly and intentionally possessed

Laura Andersen, RMR 704-350-7493

1 a firearm in furtherance of this drug trafficking crime as
2 charged in Count One.

3 And the third charge is that you were a convicted
4 felon on that date, and therefore your possessing a Ruger
5 9mm pistol on that date, violated the statute prohibiting
6 possession of a firearm by a convicted felon.

7 Is there any 851 notice filed in this case?

8 MR. GLEASON: Yes, Your Honor.

9 THE COURT: One or more convictions?

10 MR. GLEASON: Yes, sir.

11 THE COURT: And is there any possibility that
12 Mr. Myrie might be an armed career criminal?

13 MR. GLEASON: There is a possibility, I don't
14 think so, but he's facing at least a minimum 10, possibly a
15 minimum of 15 years.

16 THE COURT: Mr. Myrie, based on the government's
17 notice their intent to seek an enhanced sentence, based on
18 your prior drug conviction or convictions, your otherwise 5
19 year minimum, becomes a 10 year minimum term of
20 imprisonment, and your maximum becomes life imprisonment.
21 You face a maximum fine of \$4 million. This would be the
22 charge and the penalties on Count One.

23 Now, the second count is a 924(c) charge; that is
24 the charge that you used, carried or possessed -- actually I
25 don't think they charge using and carrying, just possessing

Laura Andersen, RMR 704-350-7493

1 in furtherance of drug trafficking of a firearm on
2 April 29th. That carries a 5 year consecutive or additional
3 term of imprisonment, up to life imprisonment. Any sentence
4 on Count Two having to be imposed in addition to or
5 consecutively to the charge in Count One -- for the
6 penalties for the charge in Count One.

7 You face a fine of up to \$250,000 upon conviction
8 on Count Two.

9 Finally Count Three, alleges again, the felon in
10 possession of a firearm. If you're not an armed career
11 criminal, you face a 10 year maximum term of imprisonment on
12 that count. If you are, you'd face a 15 year minimum term
13 of imprisonment on that charge, and a fine of up to
14 \$250,000.

15 If you are considered an armed career criminal,
16 the maximum, as in Count Two, would be life imprisonment.

17 Now, Mr. Myrie, do you understand those are the
18 three charges to which you're pleading guilty and the
19 penalties you face if you're convicted?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: All right. Mr. Servin-Sanchez. Yours
22 is a one-count Bill of Indictment, which alleges that on or
23 about October 5th, 2008, here in Mecklenburg, North
24 Carolina, after you had been deported from the United
25 States, and without permission having been given by the

Laura Andersen, RMR 704-350-7493

1 Attorney General of the United States, or the Secretary of
2 Homeland Security, that you returned to the United States,
3 that you were found in the United States, after having been
4 deported or removed, after the commission of an aggravated
5 felony.

6 Because of the aggravated felony allegation, you
7 face a 20 year maximum term of imprisonment if convicted of
8 this charge, and a fine of up to \$250,000.

9 Now, Mr. Servin-Sanchez, you understand those are
10 the charges to which you are pleading guilty, and the
11 penalties you face if convicted?

12 THE DEFENDANT: Yes.

13 THE COURT: Now, I'm back to speaking again to all
14 four of you. So continue please to speak up out loud as you
15 have up to this point.

16 Do each of you -- or have you each spoken with
17 your attorney, about how the United States Sentencing
18 Guidelines might apply in your case; and do you understand
19 that the district judge will not be able to determine what
20 Sentencing Guidelines applies until after you and your
21 attorney have gone over your Presentence Report prepared by
22 the probation office, and commented on that report?

23 THE DEFENDANT: Yes.

24 THE COURT: Do you understand that in some
25 circumstances you may receive a sentence that is either

Laura Andersen, RMR 704-350-7493

1 lower or higher than that called for by the Sentencing
2 Guidelines?

3 THE DEFENDANT: Yes.

4 THE COURT: Do you each understand that if it
5 applies in your case, the Court could order you to pay back
6 money, which we call "restitution"?

7 THE DEFENDANT: Yes.

8 THE COURT: Do you each understand that if the
9 sentence is more severe than you expected, or the Court does
10 not accept a lower recommendation from the government should
11 they make one, that you will still be bound by your guilty
12 plea and will have no right to withdraw it?

13 THE DEFENDANT: Yes.

14 THE COURT: Do you understand that parole has been
15 abolished. And if you receive an active term of
16 imprisonment, that you will not be released on parole?

17 THE DEFENDANT: Yes.

18 THE COURT: At the conclusion of your sentence,
19 you will be released on supervised release. Which means
20 you'll be supervised by a federal probation officer, and
21 have to follow certain rules and conditions. And if you
22 were to violate the rules or conditions of your supervised
23 release, you could be returned to prison for an additional
24 period of time on these charges; do you all four understand
25 that?

Laura Andersen, RMR 704-350-7493

1 THE DEFENDANT: Yes.

2 THE COURT: Do you understand you have the right
3 to plead not guilty, to have a speedy trial before a judge
4 and jury, summons witnesses to testify for you, and to
5 confront any witnesses against you?

6 THE DEFENDANT: Yes.

7 THE COURT: If you exercise your right to trial,
8 you would be entitled to the assistance of a lawyer, you
9 would not be required to testify, you would be presumed
10 innocent, and the burden would be on the government to prove
11 your guilt beyond a reasonable doubt; do you understand all
12 those rights?

13 THE DEFENDANT: Yes.

14 THE COURT: By entering your guilty plea this
15 afternoon, you're waiving or giving up certain rights,
16 including your right to trial. There will not be a trial.
17 There will be one more hearing where the district judge will
18 simply determine whether there is a factual basis for your
19 guilty plea, and what sentence to impose; do you all
20 understand that?

21 THE DEFENDANT: Yes.

22 THE COURT: Mr. Mincey, are you guilty of these
23 charges we've gone over in Counts Two, Three and Four of
24 your indictment?

25 THE DEFENDANT: Yes.

Laura Andersen, RMR 704-350-7493

1 THE COURT: Mr. McClain, are you guilty of Count
2 One in your indictment?

3 THE DEFENDANT: Yes.

4 THE COURT: And Mr. Myrie, are you guilty of
5 Counts One, Two and Three in your indictment?

6 THE DEFENDANT: Yes.

7 THE COURT: And Mr. Servin-Sanchez, are you guilty
8 of Count One in your indictment?

9 THE DEFENDANT: Yes.

10 THE COURT: Now, let me ask counsel of the
11 defendants who do not have Plea Agreements, whether there
12 are any terms or conditions or understandings with the
13 United States attorney's office that should be put on the
14 record at this time, there being no written Plea Agreement
15 in these cases?

16 First of all, I will ask Ms. Gebre-Egziabher about
17 Mr. Servin-Sanchez.

18 MS. GEBRE-EGZIABHER: There is nothing, Your
19 Honor.

20 THE COURT: Okay.

21 And next, Mr. Cacheris in regard to Mr. Myrie?

22 MR. CACHERIS: Nothing, Your Honor.

23 THE COURT: And then Mr. Weidner, in regard to
24 Mr. McClain?

25 MR. WEIDNER: Nothing, Your Honor.

Laura Andersen, RMR 704-350-7493

1 THE COURT: And Mr. Gleason, are you going to
2 summarize the Plea Agreement with Mr. Mincey?

3 MR. GLEASON: Yes, Your Honor.

4 Your Honor, the following summary of some of the
5 main provisions of the Plea Agreement between the United
6 States and Anthony Dewayne Mincey.

7 Section one; Plea. The defendant agrees to enter
8 a voluntary plea of guilty to Counts Two, Three and Four, as
9 set forth in the Bill of Indictment, and admits to being in
10 fact guilty as charged in those counts.

11 The United States will move at the appropriate
12 time to dismiss Count One in the Bill of Indictment.

13 Section two, Sentence. The Court has already
14 covered with the defendant the statutory minimum and maximum
15 sentences for each of the offenses that he is pleading
16 guilty to.

17 Other provisions include that, provided the
18 defendant clearly accepts responsibility for his offense, as
19 well as all relevant conduct, the government will recommend
20 a two-level reduction in offense level. And that, Your
21 Honor, would be in connection with Count Three.

22 Additionally, if the defendant has timely provided
23 information to the government concerning his involvement in
24 the offense as charged, or has timely notified authorities
25 of his intention to plead guilty, the government will

Laura Andersen, RMR 704-350-7493

1 recommend an additional one-level reduction. And that will
2 also pertain to the sentence in Count Three.

3 The United States agrees to recommend that the
4 sentences in Counts Two and Four, those are the two
5 aggravated identity theft counts, be run concurrently with
6 one another.

7 The resulting two year sentence, will be run by
8 law, consecutively to the Guideline sentence in Count Three.
9 The government therefore recommends that the defendant
10 receive a Guideline range sentence in Count Three, followed
11 by a two year consecutive sentence of imprisonment.

12 The United States agrees that it will not pursue
13 any further federal criminal charges in the Western District
14 of North Carolina, against defendant for other identity
15 theft offenses committed as a part of defendant's identity
16 theft scheme, in the Western District of North Carolina,
17 from on or about January 2008, through May 2008.

18 The government, however, may consider any such
19 offenses as relevant conduct.

20 Defendant agrees to pay full restitution in this
21 case.

22 Defendant agrees to pay the total amount required
23 for assessment, that being \$300 to clerk of court.

24 Section three, Procedure. The defendant agrees to
25 have Your Honor, a duly qualified federal magistrate judge

Laura Andersen, RMR 704-350-7493

1 conduct this hearing.

2 With the Court's permission, the factual basis
3 will be deferred until the time of sentencing.

4 The defendant stipulates that there is a factual
5 basis for the plea of guilty, and that the Court may use the
6 offense conduct set out in the presentencing report.

7 Section four, waivers. The defendant understands
8 and agrees that he is expressly waiving the following
9 rights:

10 To be tried by a jury; to be assisted by an
11 attorney at trial; to confront and cross-examine witnesses;
12 and not to be compelled to incriminate himself.

13 Defendant and defendant's counsel warrant that
14 they have discussed defendant's rights to contest the
15 conviction and/or sentence, through an appeal or
16 post-conviction action, in light of entering into this Plea
17 Agreement.

18 Whether or not there are any potential issues
19 which might be relevant to an appeal or post-conviction
20 action, and the possible impact of any such issue on the
21 desirability of the defendant entering into this Plea
22 Agreement.

23 Defendant waives all such rights to contest
24 conviction and/or sentence, except for claims of ineffective
25 assistance of counsel, or prosecutorial misconduct.

Laura Andersen, RMR 704-350-7493

1 Section five, assistance to the government. If
2 requested by the United States, but only if so requested,
3 the defendant agrees to cooperate with the United States,
4 including but not limited to the following:

5 Defendant will provide truthful information about
6 his charges and any other criminal activity within his
7 knowledge to any government agent or agency; defendant will
8 testify truthfully in a trial, hearing or grand jury
9 proceeding as United States designates.

10 Plea Agreement goes on to describe other potential
11 grounds of cooperation.

12 And when and if the defendant were to assist the
13 government, United States in its sole discretion, would
14 determine whether the assistance has been substantial.

15 Upon determination that the defendant has rendered
16 substantial assistance, the government may make a motion
17 pursuant to Guideline 5K1.1 for imposition of sentence below
18 the applicable Sentencing Guidelines.

19 United States may also, within its sole
20 discretion, move the Court pursuant to 18, U.S. Code,
21 3553(e), to impose a sentence below any applicable statutory
22 mandatory minimum.

23 The defendant understands that if the United
24 States were to make this motion for a downward departure,
25 that the motion is not binding upon the district court, and

Laura Andersen, RMR 704-350-7493

1 the Court would determine in its discretion whether to grant
2 or deny any such departure and the extent of that departure.

3 Section six, forfeiture. The defendant forfeits
4 or otherwise waives any ownership right in all items
5 received in the investigation and acts alleged in the Bill
6 of Indictment, including but not limited to all assets
7 specifically listed in the Bill of Indictment, and all
8 assets listed in any separate list, or consent order signed
9 by the defendant.

10 And then the forfeiture provision continues.

11 And finally in conclusion, Section Seven. The
12 defendant understands that if he breaches the Plea
13 Agreement, or violates any federal, state or local law, or
14 any order of the Court, the United States will be relieved
15 of its obligations under the Plea Agreement, but the
16 defendant will not be allowed to withdraw his guilty plea.

17 The United States would be free to proceed on any
18 properly filed, dismissed, pending, superseding or
19 additional charges.

20 And finally, there are no agreements,
21 representations or understandings between the parties in
22 this case, other than those explicitly set forth in the Plea
23 Agreement, and none will be entered into unless executed in
24 writing and signed by all parties.

25 That was signed by the defendant, Anthony Dewayne

Laura Andersen, RMR 704-350-7493

1 Mincey, on January 14th, 2009; by counsel, Scott Gsell on
2 the same date; and by myself, representative of the United
3 States Government, Robert J. Gleason on January 16th, 2009,
4 filed with the court that day.

5 THE COURT: Thank you, Mr. Gleason.

6 Mr. Gsell, would you like to add anything to that
7 summary?

8 MR. GSELL: No, Your Honor.

9 THE COURT: Mr. Mincey, do you understand those to
10 be the terms of your Plea Agreement with the government, and
11 do you agree with all those terms?

12 THE DEFENDANT: Yes.

13 THE COURT: Now, as Mr. Gleason said, do you
14 understand with some very narrow exceptions, you're waiving
15 your right to appeal your conviction or sentence in this
16 Plea Agreement, as well as your right to contest your
17 conviction or sentence in any other post-conviction
18 proceeding?

19 THE DEFENDANT: Yes.

20 THE COURT: Mr. Gsell, would you please show your
21 client the signature line.

22 Mr. Mincey, is that your signature on your Plea
23 Agreement?

24 THE DEFENDANT: Yes.

25 THE COURT: Has anyone threatened, intimidated or

Laura Andersen, RMR 704-350-7493

1 forced you to enter either your Plea Agreement or your
2 guilty plea today?

3 THE DEFENDANT: No.

4 THE COURT: Other than the terms of your Plea
5 Agreement, has anyone made you any promises of leniency, or
6 a light sentence, to induce you to plead guilty?

7 THE DEFENDANT: No.

8 THE COURT: Now I want to ask the other three of
9 you a few questions -- or actually two questions.

10 Has anyone threatened, intimidated or otherwise
11 forced you to enter your guilty pleas this afternoon?

12 THE DEFENDANT: No.

13 THE COURT: Has anyone made any of you any
14 promises of leniency or a light sentence, to induce you to
15 plead guilty?

16 THE DEFENDANT: No, sir.

17 THE COURT: Have all four of you had enough time
18 to discuss with your attorney, any possible defenses you may
19 have to these charges?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: Mr. Servin-Sanchez, are you satisfied
22 with the services of your attorney?

23 THE DEFENDANT: Yes.

24 THE COURT: Would you like to say anything at this
25 time about her services?

Laura Andersen, RMR 704-350-7493

1 THE DEFENDANT: No.

2 THE COURT: Mr. Myrie, are you satisfied with the
3 services of your attorney?

4 THE DEFENDANT: Yeah.

5 THE COURT: Would you like to say anything at this
6 time about his services?

7 THE DEFENDANT: (Inaudible.)

8 THE COURT: Is that a, no?

9 THE DEFENDANT: No.

10 THE COURT: All right. Mr. McClain, are you
11 satisfied with the services of your attorney?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: Would you like to say anything at this
14 time about those services?

15 THE DEFENDANT: No, sir.

16 THE COURT: And finally, Mr. Mincey, are you
17 satisfied with the services of your attorney?

18 THE DEFENDANT: Yes.

19 THE COURT: Would you like to say anything at this
20 time about his services?

21 THE DEFENDANT: No.

22 THE COURT: Have all four of you heard and
23 understood all parts of this proceeding, and do you still
24 wish to plead guilty?

25 THE DEFENDANT: Yes.

Laura Andersen, RMR 704-350-7493

1 THE COURT: Before we conclude the hearing, do any
2 of you have any questions or statements you'd like to make?

3 THE DEFENDANT: Yes.

4 THE COURT: Okay. Mr. Mincey.

5 THE DEFENDANT: To the judge and the prosecutor in
6 this case, first of all I would like to extend my deepest
7 apologies for the situation that I participated in. I do
8 have remorse for the situation. If I had a chance to go
9 back and do it all again, I really would. Because I have
10 five kids that really depending on me. And I really want to
11 go ahead and get this situation behind me, and become a
12 productive citizen in society, so I can better raise my
13 kids, and teach them to be upstanding citizens. And knowing
14 that regardless to what you do in life, anything easy is
15 really not worth having.

16 So I ask, at this time, that the Court, also the
17 prosecuting attorney, accept and consider what I'm saying,
18 because I really mean it from the bottom of my heart. And
19 just actually give me a chance to get back out there and
20 prove myself to society, and do things a lot better and
21 different.

22 THE COURT: Okay. That's a very nice statement.
23 And I wish you the very best.

24 THE DEFENDANT: Thank you, sir.

25 THE COURT: Does anyone else have any question or

Laura Andersen, RMR 704-350-7493

1 statement before we conclude the hearing?

2 Yes, sir. This is Mr. McClain.

3 THE DEFENDANT: I want to apologize to the Court
4 and to the Judge and everything. I want to state my
5 situation that at the time that, you know, I hadn't realized
6 what life was about. Because I really have been in no
7 trouble like this before. And I really, you know, I'm
8 really feeling this. I ain't ever want to go through a
9 situation like this again. I want to get back out there and
10 do something with my life. I really care about it, and I
11 got people out there who depend on me to do good. This is a
12 lesson I have learned. I want to make that clear.

13 THE COURT: All right. Glad to hear that. And I
14 hope this is the last time you ever have contact with any
15 criminal justice system in your whole life.

16 THE DEFENDANT: (Inaudible.)

17 THE COURT: Okay. Do either of you have anything
18 you'd like to say at this time before we conclude the
19 hearing? Mr. Myrie.

20 THE DEFENDANT: (Inaudible.)

21 THE COURT: And Mr. Servin-Sanchez?

22 THE DEFENDANT: No.

23 THE COURT: All right. Mr. Gsell, have you
24 reviewed each of the terms of Mr. Mincey's Plea Agreement
25 with him, and are you satisfied he understands those terms?

Laura Andersen, RMR 704-350-7493

1 MR. GSELL: Yes, Your Honor, I have.

2 THE COURT: And Mr. Weidner, have you reviewed the
3 consequences of Mr. McClain's guilty plea with him, and are
4 you satisfied he understands all those consequences?

5 MR. WEIDNER: Yes, sir, Your Honor.

6 THE COURT: Mr. Cacheris, same question to you in
7 regard to Mr. Myrie?

8 MR. CACHERIS: I do, Your Honor.

9 THE COURT: And finally, Ms. Gebre-Egziabher, have
10 you reviewed the consequences of Mr. Servin-Sanchez guilty
11 plea with him, and are you satisfied he understands them?

12 MS. GEBRE-EGZIABHER: Yes, Your Honor.

13 THE COURT: I will give you these transcripts
14 where I've been noting your answers, and if they're
15 accurate, ask you to please sign them and return them to the
16 court for filing.

17 Should be left to right.

18 (Pause.)

19 THE COURT: All right. I have back in hand all
20 four transcripts of our hearing.

21 Based on the representations and answers from each
22 of you and your attorneys, the Court finds that your pleas
23 are knowingly and voluntarily made. That you do understand
24 the charges, the potential penalties, and the consequences
25 of your guilty pleas, each of which is hereby accepted.

Laura Andersen, RMR 704-350-7493

1 Good luck to each and every one of you.

2 THE DEFENDANT: Thank you, Your Honor.

3 * * * * *

4 UNITED STATES DISTRICT COURT
5 WESTERN DISTRICT OF NORTH CAROLINA
6 CERTIFICATE OF REPORTER

7 I, Laura Andersen, Official Court Reporter,
8 certify that the foregoing transcript is a true and correct
9 transcript of the tape-recorded proceedings transcribed
10 under my direction.

11 Dated this the 6th day of November, 2009.

12

13 s/Laura Andersen
14 Laura Andersen, RMR
15 Official Court Reporter

16

17

18

19

20

21

22

23

24

25

Laura Andersen, RMR 704-350-7493